

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 7-12-61. Consent—destruction.

28240. Ice cream topping. (F.D.C. No. 48083. S. No. 62-070 T.)

QUANTITY: 39 cases, each containing 12 jars, at South Gardiner, Maine.

SHIPPED: 6-13-62, from Salem, Mass., by Snow Crest Beverages, Inc.

LABEL IN PART: (Jar) "Snow Crest Pineapple Ice Cream Topping Large Economy Size * * * Mfd. By Snow Crest Bev. Inc. Salem, Mass. Net Wt. 14 Ozs."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 8-31-62, Dist. Maine.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9-18-62. Default—delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

28241. Butter. (F.D.C. No. 46681. S. Nos. 13-254/5 R, 58-936 R.)

INFORMATION FILED: 2-21-62, N. Dist. Ill., against Green Creamery, Inc., Chicago, Ill., and George H. Zentner, buttermaker.

ALLEGED VIOLATION: On 1-27-61 and 4-6-61, while quantities of butter were being held for sale after shipment in interstate commerce, the defendants caused the addition of water to the article which act resulted in the article being adulterated.

On 1-27-61, while a portion of the article was being held for sale after shipment in interstate commerce, the defendants caused such portion of the article to be packed in containers labeled in part: "FRESH VERIGOOD Brand Creamery BUTTER Salted 1-Lb., Net Weight," which act resulted in such portion being misbranded.

CHARGE: 402(b)(2)—while held for sale, water had been substituted in part for butter; 402(b)(4)—water had been added to the article and mixed and packed therewith so as to increase its bulk and weight and reduce its quality; and 403(e)(2)—the container of the "Verigood Brand" of the article bore the statement "1-Lb. Net Weight" which statement was inaccurate as applied to a product which contained less than 1 pound of the article.

PLEA: Guilty to 3 counts and nolo contendere to 1 count.

DISPOSITION: 4-30-62. Each defendant—\$100 fine, plus costs.

CHEESE

28242. Cottage cheese. (F.D.C. No. 47625. S. No. 23-922 T.)

QUANTITY: 670 16-oz. ctns. at El Paso, Tex., in possession of Price's Creameries, Inc.

SHIPPED: 5-9-62, from Portales, N. Mex.

LABEL IN PART: (Ctn. lid) "Net Wt. 16 Oz. Meadow Gold Slim Cheez * * * Cottage Cheese Lower in Calories Small Curd Uncreamed Low-Calorie Cottage Cheese."

RESULTS OF INVESTIGATION: The article was manufactured by the dealer from cottage cheese and a cream product containing 6 percent fat which was shipped in bulk as described above.

LIBELED: 5-31-62, W. Dist. Tex.

CHARGE: 403(a)—while held for sale, the label of the article contained false and misleading representations that the article was uncreamed and was cottage cheese; 403(a)—the name of the article "Slim Cheez" and other statements in its label contained false and misleading representations that the article was a low-calorie cottage cheese and was lower in calories; and 403(g)(1)—the article failed to conform to the definition and standard of identity of cottage cheese, in that it contained an added cream product containing 6 percent fat, an ingredient not permitted by the definition and standard.

DISPOSITION: 6-4-62. Consent—delivered to a public institution for use as animal feed.

28243. Provolone cheese. (F.D.C. No. 47159. S. Nos. 43-173 T, 43-176 T.)

QUANTITY: 36 ctns., each containing 6 individually wrapped cheeses, at Philadelphia, Pa.

SHIPPED: 12-5-61, from Plymouth, Wis., by Passini Cheese Co.

LABEL IN PART: "New Yorker Rindless Provolone Cheese * * * Distributed by New Yorker Cheese Co. Philadelphia, Pa."

LIBELED: 2-27-62, E. Dist. Pa.

CHARGE: 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for provolone cheese since the article contained in its solids less than 45 percent of milk fat.

DISPOSITION: 8-12-62. Default—destruction.

MISCELLANEOUS DAIRY PRODUCT

28244. Pratt's Dairy Hi-Trate. (F.D.C. No. 47008. S. No. 33-611 T.)

QUANTITY: 64 50-lb. bags at Minneapolis, Minn.

SHIPPED: 9-6-61, from Danville, Ky.

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than 50 percent of the declared amount of vitamin D₂.

LIBELED: 2-2-62, Dist. Minn.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, namely, vitamin D₂, had been in part omitted or abstracted from the article; and 403(a)—the label statement "80,000 U.S.P. Units/LB" was false and misleading.

DISPOSITION: 3-20-62. Default—delivered to a public institution for use as animal feed.

EGGS

28245. Frozen eggs. (F.D.C. No. 47485. S. No. 71-115 T.)

QUANTITY: 24 30-lb. cans, at El Paso, Tex.

SHIPPED: The article was shipped in the form of shell eggs from various producers in Texas, Nebraska, and Arkansas, sometime prior to 4-16-62, to El Paso, Tex., where the article was packed in the form of frozen eggs.

LIBELED: 5-8-62, W. Dist. Tex.